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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,386	03/28/2005	Soo Hce Sin	9988-216.00	6744

7590 06/26/2007
Song K Jung of McKenna Long & Aldridge
1900 K Street NW
Washington, DC 20006

EXAMINER

MULCAHY, PETER D

ART UNIT	PAPER NUMBER
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1713

MAIL DATE	DELIVERY MODE
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06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,386

Applicant(s)

SIN, SOO HEE

Examiner

Peter D. Mulcahy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/28/05 & 3/16/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The language "master patch" is indefinite. This is not art recognized terminology. Clarification is required.
4. The recitation of "inorganic compound" and "silver compound" is indefinite. Given the number and chemically distinct compounds falling within the scope of this genus, it is impossible for one of ordinary skill to ascertain the metes and bounds of the claim.
5. The terminology "isothiazolin-3-non" (emphasis added) is not art recognized terminology. Clarification is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP08-092019 taken alone or in view of JP05-025319 and Korean Abstract 10199770004205.

8. Each of the cited documents teaches using isothiazolin compounds as antimicrobial agents in resin compositions. The abstracts further identify the use of polypropylene and further incorporating zinc oxide and silver compounds. The '019 abstract is generic to each of isothiazolin compounds identified in claims 2 and 4. It further calls for the silver and zinc compounds. Polypropylene is specifically mentioned as a resin to be used. The difference between this abstract and the claimed invention is that one must select the claimed species from the disclosed genus. The knowledge generally available and suggestion in the abstract provides sufficient motivation to select the claimed species from those identified in the abstract.

9. The '205 document further shows the species of formula 1 as an antimicrobial agent in plastics with metal compounds.

10. The '319 document further shows the species of formula 2 as an antimicrobial agent in plastics with zinc oxide.

11. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP08-092019 taken alone or in view of JP05-025319 and Korean Abstract 10199770004205, as applied to claims 1-4 above, alone or further in view of US 6,437,020 to Amick et al.

12. The abstracts are also generic as to the molded articles formed from the resin compositions. It is prima facie obvious to mold the resin compositions into any form that

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has previously been molded from similar resin compositions and that one would desire to have the antimicrobial properties imparted from the functional ingredients discussed in the abstracts. The claimed articles have been known to be molded from similar resin compositions and the properties imparted thereto are expected from the functional ingredients used. The Amick et al. patent is cited as further showing antimicrobial molded articles, see column 10 lines 41+. This teaching provides one of ordinary skill in the art a further understanding of the vast articles that can be formulated from similar resin compositions. The knowledge generally available to one of ordinary skill provides sufficient motivation to formulate the claimed articles from the resin compositions.

13. There are no unexpected results which compare the breadth of the claimed invention with the closest prior art.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter D. Mulcahy whose telephone number is 571-272-1107. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Peter D. Mulcahy
Primary Examiner
Art Unit 1713

6/17/07